

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUBERT THEODORE ISABEL,

Defendant.

CASE NO. CR06-377C

ORDER

This matter comes before the Court on the unopposed motion of Defendant Hubert Theodore Isabel to continue the trial date and the evidentiary hearing date (Dkt. No. 30).

The current evidentiary hearing date is January 4, 2007, and the current trial date is January 16, 2007. Defendant has requested a continuance of both of these dates, and the Government does not oppose the continuance. Defendant has waived speedy trial rights through April 30, 2007 (Dkt. No. 29).

Given the complex nature of this case, the Court finds that a denial of the requested extensions would unreasonably deny Defendant adequate preparation by his attorneys and would deny counsel reasonable time to prepare. Due to these factors, exclusion of additional time under 18 U.S.C. § 3161(h)(8)(B)(iv) is appropriate.

The proposed continuance of the trial does not appear to prejudice any party. The Court finds

1 that failure to grant the requested continuance likely would result in a miscarriage of justice. The Court
2 further finds that the interests of the public and the Defendant in a speedy trial are outweighed by the
3 ends of justices, within the meaning of 18 U.S.C. § 3161(h)(8)(A).

4 Accordingly, IT IS HEREBY ORDERED that the evidentiary hearing on Defendant's motion to
5 suppress will be held on March 8, 2007, at 9:30 a.m. The pre-trial motions cut-off date shall be extended
6 until March 2, 2007, with a new trial date of April 2, 2007. Voir dire, Trial Briefs, and Jury Instructions
7 shall be due by March 29, 2007. The time between January 16, 2007 and the new trial date shall be
8 excludable time under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and
9 3161(h)(8)(B)(iv).

10 SO ORDERED this 3rd day of January, 2007.

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15 John C. Coughenour
16 United States District Judge
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